

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC,
Petitioner,

v.

UPSTREAM DATA INC,
Patent Owner.

Case PGR2023-00039
Patent 11,574,372

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant 37 C.F.R. § 42.64(b), Petitioner objects to evidence submitted by Patent Owner in their Patent Owner's Response filed April 16, 2023. Specifically, Petitioner objects to the following exhibits submitted by Patent Owner for the bases noted below:

Exhibit	Objections
EX2014	<p>401-402: This exhibit is not relevant because its purported date (July 13, 2022) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p> <p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>
EX2016	<p>401-402: This exhibit is not relevant because its purported date (February 12, 2022) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: This reference was cited for the quote "I got laughed out of the room." To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p>

	<p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>
EX2017	<p>401-402: This exhibit is not relevant because its purported date (March 29, 2019) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: This reference was cited for the quote “But he has struggled to get oil-industry veterans interested in mining cryptocurrencies.” To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p> <p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>
EX2018	<p>401-402: This exhibit is not relevant because its purported date (March 4, 2021) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: This reference was cited for the quote “unique idea.” To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p>

	<p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>
EX2019	<p>401-402: This exhibit is not relevant because its purported date (January 30, 2023) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p> <p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>
EX2020	<p>401-402: This exhibit is not relevant because its purported date (September 5, 2022) is after the earliest possible priority date (February 8, 2017), and thus is not probative of the obviousness of the '372 patent.</p> <p>801-803: This reference was cited for the quote "Another leading company in this niche is Upstream Data, which pioneered the concept in 2017." To the extent statements are relied on for the truth of the matter asserted, they should be excluded as hearsay without any exception.</p> <p>403: This exhibit should further be excluded because, in view of its post-priority date status, any purported</p>

	relevance would be substantially outweighed by a danger of unfair prejudice and confusing the issues.
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These objections have been timely filed and are being concurrently served on the Patent Owner.

Respectfully submitted,

Dated: April 23, 2024

/John C. Phillips/

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